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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/648,269 | 08/27/2003 | Masato Jimbo | 04208.0187 | 5208 |

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EXAMINER

YAO, SAMCHUAN CUA

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------------|--|
| Office Action Summary | Application No. 10/648,269 | Applicant(s) JIMBO, MASATO | |
| | Examiner Sam Chuan C. Yao | Art Unit 1733 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 and 12-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>08-23-03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group II (claims 6-11) in the reply filed on 06-28-04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 6 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Thiessen et al (US 5,232,638) and optionally as evidence from the teachings of Brooks et al (US 5,759,680) or Hong (US 6,344,077; using a WO 98/51709 publication date of 11-19-98).

Thiessen et al, drawn to a method of making a nonwoven web, teaches introducing a molten raw material (M) to a centrifugal spinner (12); ejecting the molten material in the centrifugal spinner to form a fiber veil layer on a bell-shaped body; and adding cellulosic fibers to the fiber veil layer (col. 3 line 63 to col. 4 line 29; col. 6 lines 33-62; figures 1-2, 4 and 7-8). Although not explicitly stated, the cellulosic fibers added to a fiber veil layer is taken

to be inherently hygroscopic as evidence from the teachings of either Brooks et al (col. 3 lines 66-67) or Hong (col. 5 lines 24-28).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thiessen et al (US 5,232,638) as applied to claim 6 or claim 8 above, and further in view of Pellegrin et al (US 5,900,206).

Thiessen et al does not teach the limitations (i.e. the application of 1st and 2nd centrifugal spinners) recited in claim 7. However, such would have been obvious in the art as such is well known in the art as exemplified in the teachings of Pellegrin et al (figures 1-3). As for claim 10, a second non-woven fiber web layer formed by a second centrifugal spinner is taken to intrinsically form an air-permeable sheet. **Alternatively**, it would have been obvious in the art to deposit melt-blown fibers onto a nonwoven web, because Pellegrin et al teaches a desirability of depositing in-situ melt-blown fibers onto a fiber web, wherein the fiber web is formed using a centrifugal spinner (col. 2 line 63 to col. 3 line 38; figures 1-2). The deposited melt-blown fibers is taken to intrinsically form an air-permeable sheet. With respect to claim 11, see figure 1 of the Pellegrin et al. As

clearly illustrated in this figure, a fiber web formed from (for example) a second spinner is covered with an underside nonwoven web (i.e. formed from a 1st centrifugal spinner and a 1st fiber melt-blowing means) and topside nonwoven web (i.e. formed from a 3rd centrifugal spinner and a 2nd fiber melt-blowing means). Although not expressly disclosed, a resultant modified nonwoven web taught by Thiessen et al is expected to be cut into a suitable dimension for a desired end-use of the web.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thiessen et al (US 5,232,638) as applied to claim 8 above, and further in view of Bakhshi et al (US 5,736,475).

It would have been obvious in the art to provide an annular heater above a centrifugal spinner taught by Thiessen et al, because Bakhshi et al teaches providing an annular heater above a centrifugal spinner to maintain ejected fibers from a centrifugal spinner "in a soft, attenuable state immediately outside the spinner" (col. 3 lines 27-37).

Conclusion

7. It is suggested to add a limitation in dependent claim 2 to independent claim 6 and independent claim 8 to define over the art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Chuan C. Yao whose telephone number is (571) 272-1224. The examiner can normally be reached on Monday-Friday with second Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Sam Chuan C. Yao
Primary Examiner
Art Unit 1733

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09-01-04